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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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MAR 12 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Streamlining the Commission's ) IB Docket No. 95-117  
Rules and Regulations for Satellite )  
Application and Licensing Procedures )

PETITION FOR CLARIFICATION OR RECONSIDERATION  
OF GE AMERICAN COMMUNICATIONS, INC.

GE American Communications, Inc. ("GE Americom"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, hereby requests limited clarification, or in the alternative reconsideration, of one aspect of the Commission's decision in the above-captioned proceeding, FCC 96-425 (rel. Dec. 16, 1996), 62 Fed. Reg. 5924 (Feb. 10, 1997) (hereinafter, the "*Streamlining Order*").

Specifically, GE Americom is concerned about the change made to Section 25.212 of the Commission's rules, entitled "Narrowband transmissions in the Fixed-Satellite Service." The *Streamlining Order* added language to that rule that substantially expands the scope of the provision. In relevant part, the rule states that Ku-band earth stations with equivalent diameters of 1.2 meters or greater are eligible for routine licensing:

for transmission of narrowband and/or wideband  
digital services, if the maximum input power  
density into the antenna does not exceed  
-14 dBW/4 kHz and the maximum transmitted

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satellite carrier EIRP density does not exceed  
+6.0 dBW/kHz.

*Streamlining Order* at 43 (new 47 C.F.R. § 25.212(c)).

The quoted rule language did not appear in the Notice of Proposed Rulemaking in this proceeding.<sup>1</sup> However, the text of the *Notice* invited comment on the Commission's proposal to apply "the existing power density limits for narrow band digital VSAT carriers to other narrow or wide bandwidth digital carriers." *Id.* at 10629. In the *Streamlining Order*, the Commission adopted this proposal, although it made clear that it would retain the flexibility to authorize stations using higher power densities. *Streamlining Order* at ¶ 39. The Commission stated:

The VSAT standard we adopt here is designed to permit the routine licensing of certain earth stations. We will continue to evaluate on a case-by-case basis, and would favorably consider, proposals that meet our two degree spacing requirements.

*Id.* (emphasis in original).

GE Americom requests that the Commission provide clarification of two aspects of this new rule. First, the rule may have a typographical error with respect to the transmitted satellite carrier EIRP density. The VSAT transmitted (downlink) power density limit for routine licensing is +6.0 dBW/4 kHz per carrier.

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<sup>1</sup> See *Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, 10 FCC Rcd 10624, 10638 (1995) ("Notice").

Because the rule's language did not appear in the *Notice*, GE Americom was not able to comment on the specifics of the new requirement in our filings in this proceeding. Accordingly, GE Americom submits that it can properly request clarification or reconsideration of this language here pursuant to Section 1.429(b) of the Commission's rules.

See 47 C.F.R. § 25.134(a). However, the rule adopted by the Commission as reflected in the *Streamlining Order* and in the Federal Register omits the number 4, making the power limit adopted for digital carriers here significantly less restrictive than the VSAT limit. In these circumstances, GE Americom requests clarification of the new standard for digital carriers.

Second, GE Americom also seeks clarification of how the new standard will be applied. Based on conversations with Commission staff, it is our understanding that the new rule is intended to prevent very high EIRP density carriers -- whether for VSAT service or other digital services -- from causing harmful interference to traffic on adjacent spacecraft. As a result, the rule permits routine licensing of such carriers only if they are within the specified EIRP density limits. For carriers that do not meet these limits, it is our understanding that the Commission would consider applications on a case-by-case basis. In particular, we have been advised that the Commission anticipates requiring an applicant that does not meet the limit to demonstrate that it can coordinate with satellites within four degrees on either side of the spacecraft it will be using. We request that the Commission clarify that this interpretation of the rule is correct.

If our interpretation of the new rule is incorrect in either respect, reconsideration may be required. For the foregoing reasons, GE Americom respectfully requests clarification, or in the alternative reconsideration, of Section 25.212(c) as adopted in the *Streamlining Order*.

Respectfully submitted,

GE AMERICAN COMMUNICATIONS, INC.

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March 12, 1997

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition for Clarification or Reconsideration of GE American Communications, Inc. were served by hand delivery this 12th day of March, 1997 to:

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